

## REMARKS

### Claim Changes

Claim 1 is amended to recite “obtaining a deletion schedule for a plurality of old AV program data stored in the said storage unit defined over said predetermined time period.” These changes are based at least on the description on page 6, para [0019] of the specification as filed. Thus, no new matter is added.

Claim 10 is further amended to clarify the language. Claims 11-13 are amended to be consistent with claim 10 as amended.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

### Rejection of claims 10-13 under 35 U.S.C. §101

Claims 10-13 are rejected under 35 U.S.C. § 101. Claims 10-13 have been amended to recite “a tangible computer readable medium.” As amended, the claims are limited to “tangible” forms of computer readable medium to be claimed, which are recognized by the courts as being drawn to statutory subject matter. Accordingly, Applicant respectfully requests the rejection be withdrawn.

### Rejection of claims 1 and 10 under 35 U.S.C. § 112, second paragraph

Claims 1 and 10 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The office action states on page 4 that the limitation “first AV program data and second different AV program data” of claims 1 and 10 is not found in the specification. Applicant respectfully traverses the conclusion in the office action.

The limitation “first AV program data and second AV different AV program data” is clearly supported and described to one of skill in the specification at least in paragraph [0019]. Para [0019] of Applicant’s specification states “At step 210, a schedule for new data defined for storage over the selected time period is determined. For example, given the recording configuration data, it may be determined that one or more AV programs have been scheduled for recordation by the user during the selected time period.” In the above lines, Applicant’s specification clearly teaches that the new data may include one or more AV programs. The Applicant has presented “one or more AV programs” from the specification as “first AV program data and second different AV program data” in the claims for the clarity of the claims. Accordingly, Applicant respectfully requests the rejection to be withdrawn. Accordingly, Applicant respectfully requests the rejection to be withdrawn.

Rejection of claims 1-10 under 35 U.S.C. § 102(b) as being anticipated by Ficco (US 2002/0054750)

Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by Ficco as herein amended.

Applicant has carefully reviewed the present application and the cited art and has amended independent claims 1, 10, and 14 to clarify the claimed invention. In particular, independent claims 1, 10, and 14 have been amended to recite “obtaining a deletion schedule for a plurality of old AV program data stored in the said storage unit defined over said predetermined time period.” Applicant respectfully submits that Ficco does not anticipate, either expressly or inherently, each and every element as set forth in independent claims 1, 10, and 14, as amended.

Ficco is directed towards a method and system for displaying various status of a recording device such as a set top box equipped with a digital video recorder (DVR) to a user. See Ficco, Abstract. Ficco further teaches a “save option” 546 status that designates how much of a program is to be recorded and how long of a time a program is to be stored before being erased. See Ficco, FIG. 15 and para [0116]. When Ficco’s user selects the save option cell 546, two sub-cells 546a, 546b are displayed. If Ficco’s user selects sub-cell 546b, then the user is prompted to select a title of the desired program. After selecting the title, the user is prompted to

select a desired time for which the selected program is to remain archived before being erased. See Ficco, FIG. 21(c), para [0124]. Therefore, Ficco teaches selecting a desired time for which a program is to remain archived before being erased for only one particular program title that is selected by the user. In contrast, Applicant's independent claims 1, 10, and 14 describe obtaining a deletion schedule for a plurality of old AV program data stored in the storage unit defined over a predetermined amount of time. Thus, the application of Ficco should be withdrawn.

It also follows that since Ficco does not obtain a "deletion schedule for a plurality of old AV program data stored in the said storage unit defined over said predetermined time period," Ficco cannot "produce[] temporally dynamic indicia ... in response to ... said said deletion schedule" as recited by claims 1, 10, and 14.

Further, Applicant respectfully submits that Ficco does not anticipate, either expressly or inherently, each and every element as set forth in dependent claim 7. Dependent claim 7 recites the further limitation of "increasing compression ratio of an AV program stored on said storage unit" and "increasing compression ratio of an AV program scheduled for storage on said storage unit." The Office Action on page 6 specifically refers to paragraph [0006] of Ficco as describing or being analogous to Applicant's claim 7. This analogy is, however, a mischaracterization of Ficco. In the cited paragraph [0006], Ficco teaches that the compression and decompression of packetized audio and video signals is accomplished according to the Motion Picture Expert Group (MPEG) standards, DOLBY DIGITAL (or AC-3) standards, DTS, or other known standards. Nowhere does Ficco show or suggest "increasing compression ratio of an AV program stored on said storage unit" and "increasing compression ratio of an AV program scheduled for storage on said storage unit" as recited by Applicant's dependent claim 7. Therefore, the application of Ficco should be withdrawn.

In view of the foregoing, Applicant respectfully submits that Ficco does not disclose "obtaining a deletion schedule for a plurality of old AV program data stored in the said storage unit defined over said predetermined time period" recited by Applicant's independent claims 1, 10, and 14. Applicant therefore submits that claims 1, 10, and 14 are not anticipated by Ficco, and therefore the rejection of claims 1, 10, and 14 under 35 USC 102(b) should be withdrawn. Applicant requests that claims 1, 10, and 14 may now be passed to allowance.

Dependent claims 2-9, 11-13, and 15-20 depend from, and include all the limitations of independent claims 1, 10, and 14. Therefore, Applicant respectfully requests reconsideration of dependent claims 2-9, 11-13, and 15-20 and requests the withdrawal of the rejection.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

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